

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20054**

In the Matter of:]	
]	CC Docket 02-6
MOISD CONSORTIUM]	
]	Funding Request Nos: 1699033494, 1699033501
Request for Review by Decision by the]	
Administrator of Universal Service]	Form 471 Application Nos. 161018359
Administrative Company]	

REQUEST FOR REVIEW

Pursuant to Section 54.719(b) of the Commission’s rules, the MOISD Consortium (“the Consortium”), by and through its attorney, submits this **REQUEST FOR REVIEW** of the June 22, 2018, decision by the Administrator of the Universal Service Administrative Company (“USAC”) that denied the Consortium’s appeal of the “Commitment Adjustment Letter” for Funding Year 2016 (the “Adjustment Letter”) dated March 27, 2018, regarding the above-referenced application filed on March 31, 2016 (161018359) (the “Application”).¹

The Consortium timely filed its appeal of the Adjustment Letters on April 11, 2018, pursuant to Section 54.719(a) of the Commission’s rules, and USAC issued a nonresponsive letter on June 22, 2018, denying the Consortium’s appeal (the “USAC Denial”).² For the reasons set forth below, the Commission must rescind or otherwise set aside the USAC Denial and cease collection efforts from the Consortium.

¹ A copy of the Adjustment Letter is attached hereto as Exhibit One.

² A copy of the USAC Denial and underlying appeal is attached hereto as Exhibit Two.

To the extent that USAC seeks any repayment of disbursed funds, it must seek the funds from the Consortium's vendors, Charter Communications and Charter Fiberlink CC VIII, LLC, which incorrectly sought reimbursement under the cancelled Funding Request Numbers.

The sole explanation provided by USAC in the Adjustment Letter for seeking reimbursement from the Consortium was the following:

We have processed your RAL request of 5/3/2016. Your funding commitment for FRN 1699033494 has been cancelled in its entirety as of the date of this letter. Since FCC rules require that the USAC recover funds that were disbursed over the commitment, USAC will seek recovery of any improperly disbursed funds from the applicant.³

However, the Adjustment Letter ignored the fact that the Consortium had resubmitted a timely revised FCC Form 471 (161037183) on the same day that the Consortium cancelled the March Form 471 Application. Significantly, USAC also ignored the fact that it permitted a vendor to seek reimbursement from USAC for an FRN that had already been cancelled.

In its appeal of the Adjustment Letter, the Consortium explained that the vendor had prepared incorrect contracts for the service requested by the Consortium, and that a replacement FCC Form 471 had been prepared so that USAC could pay Charter under the correct contract. The Consortium's Appeal also noted that USAC should not have issued payments under the cancelled FRN in light of its cancellation.

However, as is often the case when dealing with USAC, the USAC Denial completely failed to provide any evidence that it reviewed the information provided by the Consortium, especially with respect to USAC's own culpability for issuing payments on a cancelled FRN. Instead, it simply stated that:

³ See Exhibit One, pgs. 3 & 4.

Your appeal has been denied - You requested to cancel the commitment amount for this FRN. USAC cannot cancel the commitment for this FRN because \$40,317.60 in funding was disbursed.⁴

Much like the Adjustment Letters, the USAC Denial fails to reflect any reasoned analysis of the information provided by the Consortium. Instead, its terse, two-sentence decision demonstrates the likelihood that USAC did not even review the information provided by the Consortium, and instead rejected the Consortium's appeal as a matter of routine processing.

In fact, rather than acknowledging that the basis for issuing the Adjustment Letter had been proven incorrect and closing the matter, USAC stated in the denial that the Consortium was now to be held responsible for the repayment of the FY 2016 payments without any indication that it first sought reimbursement from the parties submitting the reimbursement requests under the cancelled FRNs, Charter Fiberlink CC VIII, LLC (SPN: 143033155) and Charter Communications (SPN 143005817).⁵

Thus, not only did USAC ignore the information presented by the Consortium to refute the original basis of the Adjustment Letter, USAC apparently has not even bothered to seek reimbursement from the Consortium's vendors, i.e., the parties that caused this problem in the first place. Therefore, the Commission must grant this Request for Review, and issue a decision that both (i) sets aside the Adjustment Letter and (ii) closes this matter without further payment obligations imposed upon the Consortium.

⁴ See *USAC Denials*, pgs. 5, 6. The USAC Denial for FRN 1699033501 contained the same rote language, except for the disbursed amount (\$17,463.60).

⁵ See *USAC Denials*, pgs. 2, 4.

BACKGROUND

MOISD Consortium is comprised of five (5) rural school district in Mecosta and Osceola Counties in the state of Michigan. Both Mecosta and Osceola are rural counties, and because of the historical lack of broadband accessibility in the area, it has been a top priority of the Consortium to make access to high-speed Internet available to its students.

For Funding Year 2016, the Consortium filed its Form 470 application (File No. 160025646) seeking internet service for its constituent members. That application included the required RFP, outlining the services to be offered to the Consortium by interested bidders. Charter Communications and Charter Fiberlink CC VIII, LLC (collectively, “Charter”), replied to the RFP, and the parties entered into an agreement as of March 11, 2016. The related Form 471 was submitted on March 31, 2016.

Subsequent to the submission of the original FCC Form 471, Charter notified the Consortium that the agreement associated with the leased WAN service was incorrect, and Charter requested that the Consortium sign a new agreement. As a result of Charter requiring a new agreement, and because the March Form 471 no longer reflected the services provided by Charter to the Consortium, on May 3, 2016, the Consortium’s consultant submitted a RAL cancelling the March Form 471, and submitted the replacement Form 471 (161037183) (the “May Form 471”).⁶

Subsequently, Charter began providing service to the Consortium, but it submitted reimbursement requests that referenced the March Form 471 and related FRNs, rather than the May Form 471 and updated FRNs. After being contacted by USAC, the Consortium explained to

⁶ See Exhibit Three - Email correspondence between the Consortium, the Consortium’s e-rate consultant, and Jermaine M. Atkins, Charter Communications.

USAC staff member Dhara Patel (Case # 43777), that the error was made by Charter, and suggested that USAC simply update its records to correct Charter's error, and reflect that the funds were disbursed pursuant to the May Form 471 and related FRNs.⁷

However, rather than simply acknowledge that it permitted a vendor to seek reimbursement from cancelled FRNs, and take a purely ministerial step to correct its records to reflect the correct May Form 471 and related FRNs, USAC issued the March 2018 Commitment Adjustment Letter seeking full reimbursement of \$57,781.20 from the Consortium. The Adjustment Letter did not reflect the month-long discussions with USAC staff-member Dhara Patel (Case #43777), nor did it indicate why USAC could not simply adjust its records to reflect the correct Form 471 and related FRNs. Finally, the Adjustment Letter failed to provide any explanation why USAC did not first seek reimbursement from Charter, *i.e.*, the party directly responsible for the error.

The Consortium filed its appeal of the Adjustment Letter on April 11, 2018, refreshing USAC's memory of the information provided a month before Adjustment Letter's release to Dhara Patel, and seeking reconsideration of the decision to demand reimbursement from the Consortium when the sole cause of the problem, and the only party with the ability to solve the problem, was Charter, not the Consortium.⁸

As noted above, USAC ignored this information, and issued the USAC Denial on June 22, 2018. The USAC Denial provided no analysis of the information previously provided by the

⁷ See Exhibit Four - Email correspondence between the Consortium, the Consortium's e-rate consultant, and Angelica Lopez-Hoag, Ebony Gerdine-Hatley, and Tamika Williams of Charter Communications.

⁸ See Exhibit Five - Email correspondence between the Consortium, the Consortium's e-rate consultant, and Ebony Gerdine-Hatley of Charter Communications.

Consortium, and no explanation why USAC was targeting the Consortium, rather than Charter, for the reimbursement of the disbursed funds.

DISCUSSION

The Consortium provided information to USAC, both before and after the issuance of the Adjustment Letters, with the reasonable expectation that USAC and its staff would review and address the evidence in a subsequent decision. Instead, USAC flatly ignored the information proffered by the Consortium, and issued a terse, two-line decision that lacks any evidence that USAC reviewed the information and made a reasoned decision based on the facts.

A. THE STANDARD OF REVIEW.

Pursuant to Section 54.723 of the Commission's rules, the Wireline Competition Bureau or the Commission will conduct a *de novo* review of a decision issued by USAC.⁹ As set forth below, USAC as completely failed to provide any justification for the USAC Denial, or the underlying Adjustment Letter.

B. USAC FAILED TO PROVIDE ANY ANALYSIS OF FACTS.

The sole basis for USAC's issuance of the Adjustment Letter was that the Consortium cancelled the March Form 471 and related FRNs, and therefore, the funds sent to Charter must be recovered. However, USAC ignored two important facts in reaching this erroneous conclusion: (i) the Consortium timely submitted the May Form 471; and (ii) the Consortium had no control over Charter's billing USAC under the wrong FRNs. As such, there is no evidence in either the Adjustment Letter or the USAC Denial that USAC went beyond looking at mere existence of the

⁹ 47 C.F.R. § 54.723.

cancelled March Form 471 and related FRNs to the timely filed May Form 471 and related FRNs, despite repeated attempts by the Consortium and its consultants to bring this to USAC's attention.

Specifically, the Consortium has made clear to USAC and its staff that the Consortium replaced the cancelled March Form 471 with the timely-filed May Form 471. The Consortium also made clear to USAC that Charter erroneously submitted its reimbursement request specifying the FRNs associated with in the cancelled March Form 471, rather the FRNs associated with the May Form 471.

Thus, the terse, two-line responses by USAC, which simply repeats the fact that the March Form 471 had been cancelled, does not address that there was a pending, accurate May Form 471, and that USAC permitted Charter to receive funds by submitting requests for reimbursements for FRNs that had been cancelled two months before Charter commenced filing for reimbursement.

Neither the Adjustment Letter or the USAC Denial rises to the required level of reasoned decision-making for which USAC is required to provide those that appear before it. Instead, it is well established that a decision maker must provide some analysis beyond merely offering conclusory statements such as those provided in the USAC Denials.¹⁰

In fact, the federal courts have clearly established a bright-line standard for agencies such as the Commission and USAC:

Conclusory explanations for matters involving a central factual dispute where there is considerable evidence in conflict do not suffice to meet the deferential standards of our review. Basic principles of administrative law require the agency to

¹⁰ See *Home Box Office, Inc. v. FCC*, 567 F.2d 9, 28, 33 (D.C. Cir.) (finding the Commission's "generalities" crossed "the line from the tolerably terse to the intolerably mute" and rejecting "a naked allegation, unsupported in the record."). See also *Greater Boston Television Corp. v. FCC*, 444 F.2d 841 (D.C. Cir.).

"examine the relevant data and articulate a satisfactory explanation for its action including a rational connection between the facts found and the choice made.""¹¹

In contrast to this well-established requirement, nowhere in the USAC Denial was any evidence that USAC's staff even reviewed the Consortium's appeal of the Adjustment Letter. In fact, USAC did not provide any justification for rejecting or otherwise not crediting the Consortium for providing information which clearly demonstrated that the responsible party in submitting inaccurate information to USAC was Charter, not the Consortium.

Simply put, if Charter billed USAC under FRNs that had been cancelled on May 3, 2016, USAC was required, at the very least, to explain in the USAC Denials why the Consortium's information was not correct or otherwise irrelevant, and why USAC was seeking reimbursement from the Consortium rather than Charter. In light of its failure to provide any reasoned explanation for rejecting the Consortium's clear evidence that Charter was the sole cause for the error, the USAC Denial should be set aside, and the matter should be closed without further attempt to recover the fees from the Consortium.

C. USAC MUST LOOK TO CHARTER FOR RECOVERY.

Finally, because USAC permitted Charter to seek reimbursement of funds related to cancelled FRNs, the Commission must direct USAC to hold Charter responsible and recover the disbursements in question.¹² It is clear that only Charter was in position "to prevent these rule violations" because "there is no evidence in the record demonstrating that [the Consortium was]

¹¹ See *AT&T Wireless Servs., Inc. v. FCC*, 270 F.3d 959, 968 (D.C. Cir. 2001) (citing *U.S. Telecom Ass'n v. FCC*, 227 F.3d 450, 461 (D.C. Cir. 2000) (quoting *Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983))).

¹² Pursuant to Section 54.721(d) of the Commission's rules, a copy of this Request for Review is being served on Charter.

aware” that Charter had sought reimbursement under the incorrect FRNs.¹³ Further, as shown in Exhibit Three, Charter was aware of the cancelled March Form 471 and related FRNs as of May 23, 2016, and even corresponded with the Consortium to ensure that the correct FRNs were billed.

Previously, the Commission has directed USAC to discontinue recovery efforts against the educational institutions, and to “continue its recovery actions against” the entities responsible for the rule violations.¹⁴ In fact, when the Commission modified its rules and policies in 2004 to enhance USAC’s recovery procedures, it directed USAC to determine liability on the basis of which parties were in a “better position” to prevent the rule violations.¹⁵

Because USAC failed in both the Adjustment Letter and the USAC Denial to provide any evidence that anyone associated with the Consortium caused the erroneous disbursement of funds to Charter under the incorrect FRNs,¹⁶ the Commission must set aside the USAC Denial, immediately cease recovery efforts against the Consortium, and look to Charter to return any necessary disbursements for the respective funding period.

¹³ See *Achieve Telecom Network of MA*, 30 FCC Rcd 3653, 3672 (WCB 2015).

¹⁴ *Id.*, 30 FCC Rcd at 3655, nt. 11 (citing *Request for Review of the Decision by the Universal Service Administrator by Bell South Telecommunications, Inc. and Union Parish School Board*, Order, 27 FCC Rcd 11208 (WCB 2012)).

¹⁵ See *Federal-State Joint Board on Universal Service; Changes to the Board of Directors for the National Exchange Carrier Association, Inc.; Schools and Libraries Universal Service Support Mechanism*, Order on Reconsideration and Fourth Report and Order, 19 FCC Rcd 15252, 15257 (2004).

¹⁶ Alternatively, the Commission could permit USAC and Charter to acknowledge that the error was likely related to the E-Rate Productivity Center (EPC), which was introduced for Funding Year 2016. If that was the case, then pursuant to the recent decision *Pribilof School District, St. Paul Island, Alaska*, FCC 18-188, rel. Aug. 8, 2018, the Commission could grant a waiver to permit USAC to make the simple ministerial adjustment to its records to associate the disbursement with the correct FRNs.

CONCLUSION

Therefore, it is clear that the Consortium must not be held responsible for the combined errors of USAC and Charter that led to the disbursement of funds under the cancelled Funding Request Numbers. The Consortium has demonstrated on numerous occasions that it submitted a timely correction of the March Form 471, and that Charter's erroneous billing of the cancelled FRNs was the sole cause for the incorrect distribution of funds. Not only did USAC ignore this information, it released two decisions that failed to meet the threshold requirement for reasoned decision-making.

As such, the MOISD Consortium requests that the Commission set aside the USAC Denial issued on June 22, 2018, and direct USAC to immediately cease collection efforts against it. If the Commission ultimately determines that the disbursed funds should be recovered, then the Consortium respectfully urges the Commission to pursue recovery from the parties actually responsible for the rule violations, Charter Communications and Charter Fiberlink CC VIII, LLC.

Respectfully submitted,

MOISD CONSORTIUM

By: 

Lee G. Petro

PILLSBURY WINTHROP

SHAW PITTMAN LLC

1200 Seventeenth Street NW
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(202) 663-8113

Its Counsel

August 21, 2018

EXHIBIT ONE



Commitment Adjustment Letter

Fredric Sharpsteen
MOISD Consortium
15760 190th Ave
Big Rapids, MI 49307

03/27/2018

Our review of your Schools and Libraries Universal Service Support Program (or E-rate) funding request has determined funds were committed in violation of Federal Communications Commission (FCC) rules. You have 60 days from the date of this letter to appeal the following decision(s). For more detailed information see below.

Total commitment adjustment: \$77,401.25

Total amount to be recovered: \$57,781.20

FCC Form 471	FRN	Commitment adjustment	Total amount to be recovered	Explanation(s)	Party to recover from
161018359	1699033494	\$56,444.93	\$40,317.60	The Applicant or Service Provider voluntarily requested commitment adjustment or cancellation of funding commitment	BEN
161018359	1699033501	\$20,956.32	\$17,463.60	The Applicant or Service Provider voluntarily requested commitment adjustment or cancellation of funding commitment	BEN

See Attached Adjustment Report for more information on the specific FRNs and Explanations listed above.

Commitment Adjustment

FCC rules require the Universal Service Administrative Company (USAC) to rescind commitments and recover funding when it is determined that funding was committed and disbursed in violation of the rules. This letter notifies you that USAC will be adjusting your funding commitment(s) and provides information on how to appeal this decision.

This is NOT a bill. If disbursed funds need to be recovered, USAC will issue a Demand Payment Letter. The debt referenced in the Demand Payment Letter will be due within 30 days of that letter's date. Failure to pay the debt may result in interest, late payment fees, and administrative charges and will invoke the FCC's "Red Light Rule."

FCC's Red Light Rule

The FCC Red Light Rule requires USAC to dismiss pending FCC Form 471 applications, appeals, and invoices or to net disbursements offsetting the debt if the entity responsible for paying the outstanding debt owed to the FCC has not paid the debt or made satisfactory arrangements to pay the debt within 30 days of the Demand Payment Letter. For information on the Red Light Rule, see

<https://www.fcc.gov/licensing-databases/fees/debt-collection-improvement-act-implementation>.



To Appeal This Decision

If you wish to contest any part of this letter, you must first file an appeal with USAC to seek review of the decision. Parties that have filed an appeal with USAC and received an adverse decision may, if they choose, appeal USAC's decision to the FCC. Parties seeking a waiver of a codified FCC rule should file a request for waiver directly with the FCC because USAC cannot waive FCC rules. Your appeal to USAC or waiver request to the FCC must be filed within 60 days of the date of this letter.

All appeals filed with USAC must be filed in EPC by selecting "Appeal" from the menu in the top right hand corner of your landing page and providing the requested information.

Your appeal should include the following information. (Because you file the appeal through your EPC account, the system will automatically fill in some of these components for you).

- 1) Name, address, telephone number, and email address for the contact person for this appeal.
- 2) Indicate specifically that your letter is an appeal. Include the following to identify the USAC decision letter (e.g., Commitment Adjustment Letter) and the decision you are appealing:
 - a. Appellant name;
 - b. Applicant name and service provider name, if different from appellant;
 - c. Applicant BEN and Service Provider Identification Number (SPIN);
 - d. FCC Form 471 Application Number and the Funding Request Number (FRN) or Numbers as assigned by USAC;
 - e. "Commitment Adjustment Letter," AND the exact text or the decision that you are appealing.
- 3) Identify the problem and the reason for the appeal and explain precisely the relief sought. Please keep your appeal to the point, and provide supporting documentation. Be sure to keep a copy of your entire appeal, including any correspondence and documentation. A copy will automatically be saved for you in EPC. USAC will reply to your appeal submission to confirm receipt.

For more information on submitting an appeal to USAC including step by step instructions on how to file the appeal through EPC, please see "Appeals" in the Schools and Libraries section of the USAC website.

As mentioned, parties seeking a waiver of FCC rules or that have filed an appeal with USAC and received a decision may file a request for waiver or appeal USAC's decision to the FCC. Waiver requests or appeals to the FCC must be made within 60 days of the issuance of USAC's decision and include all of the information referenced above for appeals to USAC.

The FCC recommends filing appeals or waiver requests with the Electronic Comment Filing System (ECFS) to ensure timely filing. Electronic waiver requests or appeals will be considered filed on a business day if they are received at any time before 11:59 PM ET. If you have questions or comments about using the ECFS, please contact the FCC directly at (202) 418-0193.

For more information about submitting waiver requests or appeals to the FCC, including options to submit the waiver request or appeal via U.S. mail or hand delivery, visit the FCC's website.

Schools and Libraries Division



Adjustment Report

FCC Form 471 Application Number:	161018359
Funding Request Number:	1699033494
Commitment Adjustment:	\$56,444.93
Total Amount to Be Recovered:	\$40,317.60
Explanation(s):	The Applicant or Service Provider voluntarily requested commitment adjustment or cancellation of funding commitment
Party to Recover From:	BEN
Funding Year:	2016
Billed Entity Number:	17001958
Services Ordered:	Data Transmission and/or Internet Access
Service Provider Name:	Charter Fiberlink CC VIII, LLC
SPIN:	143033155
Original Funding Commitment:	\$56,444.93
Adjusted Funding Commitment:	\$0.00
Funds Disbursed to Date:	\$40,317.60

Funding Commitment Adjustment Explanation:

We have processed your RAL request of 05/03/2016. Your funding commitment for FRN 1699033494 has been cancelled in its entirety as of the date of this letter. Since FCC rules require that the USAC recover funds that were disbursed over the commitment, USAC will seek recovery of any improperly disbursed funds from the applicant .



Adjustment Report

FCC Form 471 Application Number:	161018359
Funding Request Number:	1699033501
Commitment Adjustment:	\$20,956.32
Total Amount to Be Recovered:	\$17,463.60
Explanation(s):	The Applicant or Service Provider voluntarily requested commitment adjustment or cancellation of funding commitment
Party to Recover From:	BEN
Funding Year:	2016
Billed Entity Number:	17001958
Services Ordered:	Data Transmission and/or Internet Access
Service Provider Name:	Charter Communications
SPIN:	143005817
Original Funding Commitment:	\$20,956.32
Adjusted Funding Commitment:	\$0.00
Funds Disbursed to Date:	\$17,463.60

Funding Commitment Adjustment Explanation:

We have processed your RAL request of 05/03/2016. Your funding commitment for FRN 1699033501 has been cancelled in its entirety as of the date of this letter. Since FCC rules require that the USAC recover funds that were disbursed over the commitment, USAC will seek recovery of any improperly disbursed funds from the applicant.

EXHIBIT Two

Revised Funding Commitment Decision Letter

Funding Year 2016

Contact Information:

Fredric Sharpsteen
MOISD Consortium
15760 190th Ave
Big Rapids, MI 49307
erate@moisd.org

BEN: 17001958**Post Commitment Wave:** 50

Totals

Original Commitment Amount	\$77,401.25
Revised Commitment Amount	\$0.00

What is in this letter?

Thank you for submitting your post-commitment request for Funding Year 2016 Schools and Libraries Program (E-rate) funding. Attached to this letter, you will find the revised funding statuses and/or post commitment changes to the original Funding Commitment Decision Letter (FCDL) you received. Below are the changes that were made:

- Appeals
- Appeals

The Universal Service Administrative Company (USAC) is providing this information to both the applicant(s) and the service provider(s) so that all parties are aware of the post-commitment changes related to their funding requests and can work together to complete the funding process for these requests.

Next Steps

1. **File the FCC Form 486**, Service Confirmation and Children's Internet Protection Act (CIPA) Certification Form, for any FRNs included in this RFCDL, if you have not already done so. Please review the CIPA requirements and file the form(s).



BEN Name: MOISD Consortium

BEN: 17001958

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- o **If USAC approved funding on an FRN in your original FCDL**, the deadline to submit the FCC Form 486 is 120 days from the date of the original FCDL or from the service start date (whichever is later).
 - o **If a new FRN was created for this RFCDL or funding was not approved on an FRN in your original FCDL but is approved in this RFCDL**, the deadline to submit the FCC Form 486 is 120 days from the date of this RFCDL or from the service start date (whichever is later).
2. **Invoice USAC**, if you or your service provider have not already done so. Work with your service provider(s) to determine if your bills will be discounted or if you will request reimbursement from USAC after paying your bills in full.
- **If you (the applicant) are invoicing USAC:** You must pay your service provider(s) the full cost for the services you receive and file the [FCC Form 472](#), the Billed Entity Applicant Reimbursement (BEAR) Form, to invoice USAC for reimbursement of the discounted amount.
 - **If your service provider(s) is invoicing USAC:** The service provider(s) must provide services, bill the applicant for the non-discounted share, and file the [FCC Form 474](#), the Service Provider Invoice (SPI) form, to invoice USAC for reimbursement for the discounted portion of costs. Every funding year, service providers must file an [FCC Form 473](#), the Service Provider Annual Certification Form, to be able to submit invoices and to receive disbursements.
 - **To receive an invoice deadline extension, the applicant or service provider** must request an extension on or before the last date to invoice. **If you anticipate, for any reason, that invoices cannot be filed on time**, USAC will grant a one-time, 120-day invoice deadline extension if timely requested.

How to Appeal or Request a Waiver of a Decision

You can appeal or request a waiver of a decision in this letter **within 60 calendar days** of the date of this letter. Failure to meet this deadline will result in an automatic dismissal of your appeal or waiver request.

Note: The Federal Communications Commission (FCC) will not accept appeals of USAC decisions that have not first been appealed to USAC. However, if you are seeking a waiver of E-rate program rules, you must submit your request to the FCC and not to USAC. USAC is not able to waive the E-rate program rules.

- **To submit your appeal to USAC**, visit the Appeals section in the [E-rate Productivity Center \(EPC\)](#) and provide the required information. USAC will reply to your appeal submissions to confirm receipt. Visit USAC's [website](#) for additional information on submitting an appeal to USAC, including step-by-step instructions.
- **To request a waiver of the FCC's rules or appeal USAC's appeal decision**, please submit it to the FCC in proceeding number CC Docket No. 02-6 using the [Electronic Comment Filing System](#) (ECFS). Include your contact information, a statement that your filing is a waiver request,



BEN Name: MOISD Consortium

BEN: 17001958

Post Commitment Wave: 50

identifying information, the FCC rule(s) for which you are seeking a waiver, a full description of the relevant facts that you believe support your waiver request and any related relief, and any supporting documentation.

For appeals to USAC or to the FCC, be sure to keep a copy of your entire appeal, including any correspondence and documentation, and provide a copy to the affected service provider(s).

Obligation to Pay Non-Discount Portion

Applicants are required to pay the non-discount portion of the cost of the eligible products and/or services to their service providers. Service providers are required to bill applicants for the non-discount portion of costs for the eligible products and/or services. The FCC stated that requiring applicants to pay the non-discounted share of costs ensures efficiency and accountability in the program. If using the BEAR invoicing method, the applicant must pay the service provider in full (the non-discount plus discount portion) **before** seeking reimbursement from USAC. If using the SPI invoicing method, the service provider must first bill the applicant **before** invoicing USAC.

Notice on Rules and Funds Availability

The applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Program and the FCC's rules. Applicants who have received funding commitments continue to be subject to audits and other reviews that USAC and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with such requirements. USAC may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by USAC, the applicant, or the service provider. USAC, and other appropriate authorities (including but not limited to the FCC), may pursue enforcement actions and other means of recourse to collect improperly disbursed funds.



BEN Name: MOISD Consortium

BEN: 17001958

Post Commitment Wave: 50

Revised Funding Commitment Decision Overview

Funding Year 2016

Funding Request Number (FRN)	Service Provider Name	Request Type	Revised Committed	Review Status
1699033494	Charter Fiberlink CC VIII, LLC	Appeals	\$0.00	Denied
1699033501	Charter Communications	Appeals	\$0.00	Denied



BEN Name: MOISD Consortium

BEN: 17001958

Post Commitment Wave: 50

Post Commitment Request Number: 92668	Post Commitment Request Type: Appeals	Post Commitment Decision: Denied
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FRN: 1699033494	Service Type: Data Transmission and/or Internet Access	Original Status: Funded	Revised Status: Funded
FCC Form 471: 161018359			

Dollars Committed			
Monthly Cost		One-Time Cost	
Months of Service	12		
Total Eligible Recurring Charges	\$0.00	Total Eligible One Time Charges	\$0.00
Total Pre-Discount Charges		\$0.00	
Discount Rate		80.00%	
Revised Committed Amount		\$0.00	

Dates	
Service Start Date	7/1/2016
Contract Expiration Date	6/30/2019
Contract Award Date	3/11/2016
Service Delivery Deadline	6/30/2017
Expiration Date (All Extensions)	

Service Provider and Contract Information	
Service Provider	Charter Fiberlink CC VIII, LLC
SPIN (498ID)	143033155
Contract Number	N/A
Account Number	8245128950000780
Establishing FCC Form 470	160025646

Consultant Information	
Consultant Name	
Consultant's Employer	
CRN	

Revised Funding Commitment Decision Comments:
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Post Commitment Rationale:

Your appeal has been denied - You requested to cancel the commitment amount for this FRN. USAC cannot cancel the commitment for this FRN because \$40,317.60 in funding was disbursed. If you wish to cancel the full commitment for this FRN, please return the disbursed amount to USAC and then file a FCC Form 500. If you wish to reduce the commitment amount to the amount already disbursed for the above FRN, please file a FCC Form 500. See <http://usac.org/sl/applicants/before-youre-done/return-funds.aspx> for more information on Returning Funds to USAC. See also <http://usac.org/sl/applicants/before-youre-done/500-filing.aspx> for more information on FCC Form 500 Filing.



BEN Name: MOISD Consortium

BEN: 17001958

Post Commitment Wave: 50

Post Commitment Request Number: 92668	Post Commitment Request Type: Appeals	Post Commitment Decision: Denied
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FRN: 1699033501	Service Type: Data Transmission and/or Internet Access	Original Status: Funded	Revised Status: Funded
FCC Form 471: 161018359			

Dollars Committed			
Monthly Cost		One-Time Cost	
Months of Service	12		
Total Eligible Recurring Charges	\$0.00	Total Eligible One Time Charges	\$0.00
Total Pre-Discount Charges		\$0.00	
Discount Rate		80.00%	
Revised Committed Amount		\$0.00	

Dates	
Service Start Date	7/1/2016
Contract Expiration Date	6/30/2021
Contract Award Date	3/15/2016
Service Delivery Deadline	6/30/2017
Expiration Date (All Extensions)	

Service Provider and Contract Information	
Service Provider	Charter Communications
SPIN (498ID)	143005817
Contract Number	N/A
Account Number	8245128950000780
Establishing FCC Form 470	160025646

Consultant Information	
Consultant Name	
Consultant's Employer	
CRN	

Revised Funding Commitment Decision Comments:
--

Post Commitment Rationale:

Your appeal has been denied - You requested to cancel the commitment amount for this FRN. USAC cannot cancel the commitment for this FRN because \$17,463.60 in funding was disbursed. If you wish to cancel the full commitment for this FRN, please return the disbursed amount to USAC and then file a FCC Form 500. If you wish to reduce the commitment amount to the amount already disbursed for the above FRN, please file a FCC Form 500. See <http://usac.org/sl/applicants/before-youre-done/return-funds.aspx> for more information on Returning Funds to USAC. See also <http://usac.org/sl/applicants/before-youre-done/500-filing.aspx> for more information on FCC Form 500 Filing.

[Records](#) / [Appeals](#)

2016 Charter Appeal - #92668

[Summary](#) [Associated FRNs](#) [Review Inquiries](#) [News](#) [Related Actions](#)

In-Review

Outreach

Wave Ready

Committed

Appeal Information

[View Status \(+\)](#)**Funding Year** 2016**Submitting Organization** [MOISD Consortium \(BEN: 17001958\)](#)**Created By** Missy Studley**Created On** 4/11/2018 8:51 AM EDT

Main Contact

Name Missy Studley**Email** missy@elitefund.com**Phone Number** 989-283-1200

Narrative

This is an appeal for the COMAD received on 3/27/2018 for App 161018359, FRNs 1699033494 and 1699033501 for monies disbursed from SPIN 143033155 and 143005817, respectfully for BEN 17001958. We are appealing the decision that "We have processed your RAL request of 05/03/2016. Your funding commitment for FRN 1699033494 (and FRN 1699033501) has been cancelled in its entirety as of the date of this letter. Since FCC rules require that the USAC recover funds that were disbursed over the commitment, USAC will seek recovery of any improperly disbursed funds from the applicant." On 5/3/16, the ISD's former consultant submitted a RAL change to cancel App 161018359. On the funding letter, columns V and W acknowledge that App 161018359 was canceled on 5/3/16. However, in columns S and U, a positive monetary amount shows, indicating that the application actually did not get canceled. It appears the former consultant then submitted a Form 486 for the canceled application and the vendor (SPIN 143033155 and 143005817) started discounting the bills and invoicing USAC, which USAC paid out, it appears through 4/2017. SPIN 143033155 and 143005817 did not notify the applicant that discounts would be applied. They did this because discounts were applied the previous year.

After App 161018359 was submitted, the applicant caught an issue with the contracts from SPIN 143033155 and 143005817. The contracts were re-done and a new application was submitted (App 161037183). FRN 1699079036 replaced FRN 1699033494 and FRN 1699079047 replaced FRN 1699033501. We are requesting that the 5/3/16 canceled FRNs disbursed amounts be moved to FRNs 1699079036 and 1699079047. We acknowledge that a Form 486 should not have been submitted for the two canceled FRNs but we also feel USAC should not have approved these FRNs when a RAL change was submitted to cancel them and the vendor shouldn't have applied discounts without checking first with the applicant. Thank you very much for your consideration.

Appeal Details

Decision appealed by applicant Notification of Commitment Adjustment Letter

If you wish to modify or cancel your appeal, or, if you have any questions about your appeal, please contact the E-rate Program's Client Service Bureau (CSB) at (888) 203-8100.

[View Supporting Documentation \(-\)](#)

Supporting Documentation

Document ID	Document	Description	Upload Stage	Uploaded By	Uploaded On
30946	2016 FCDL supplement.csv	FY 2016 FCDL	Intake	Missy Studley	4/11/2018 8:51 AM EDT
30952	2016 FCDL supplement.pdf	PDF of FY 2016 FCDL	Intake	Missy Studley	4/11/2018 8:51 AM EDT
30947	Copy of MOISD Consortium Commitment Adjustment Letter Supplement.pdf	PDF of COMAD letter	Intake	Missy Studley	4/11/2018 8:51 AM EDT
30948	DRT.pdf	Funding request tool showing positive monetary amount of canceled FRNs	Intake	Missy Studley	4/11/2018 8:51 AM EDT
30949		Response to COMAD	Intake	Missy Studley	4/11/2018 8:51 AM EDT

Document ID	Document	Description	Upload Stage	Uploaded By	Uploaded On
	E-Rate FCC form 471 161018359 - COMAD id 43777.docx				
30950	MOISD Consortium Commitment Adjustment Letter.pdf	COMAD letter	Intake	Missy Studley	4/11/2018 8:51 AM EDT
30951	RE Erate Mecosta-Osceola Intermediate School District 1.msg	Email between current consultants, applicant, and vendor about why the wrong FRNs were discounted	Intake	Missy Studley	4/11/2018 8:51 AM EDT
					7 items

EXHIBIT THREE

2016-05-25
from: Bpickett
to: bob, Todd.Dalson, Jermaine.Akins

Thanks Bob

Brian J. Pickett Director of Technology Mecosta-Osceola ISD 15760 190th Ave Big Rapids, MI 49307
www.moisd.org 231 796 3543

On Wed, May 25, 2016 at 1:20 PM, Bob Rice <bob@triple-r.us> wrote:

Brian,

That is correct, the later 471 is correct and I requested that USAC cancel the first 471 we submitted since it would duplicate the service but under the incorrect agreement.

Bob

From: Brian Pickett [mailto:bpickett@moisd.org]
Sent: Wednesday, May 25, 2016 1:07 PM
To: Bob Rice; Jermaine.Akins@charter.com
Subject: Fwd: MOISD Consortium - FRN 1699079036 -1699033494- 1699079047- 1699033501 Hey Bob,

Have we cancelled a couple of these because of Charter's mishandling of the first contracts?
Thanks,

Brian

Brian J. Pickett Director of Technology Mecosta-Osceola ISD 15760 190th Ave Big Rapids, MI 49307
www.moisd.org 231 796 3543

Forwarded message -----

From: **Akins, Jermaine M** <Jermaine.Akins@charter.com>
Date: **Mon, May 23, 2016 at 5:02 PM**
Subject: MOISD Consortium - FRN 1699079036 -1699033494- 1699079047- 1699033501
To: "erate@moisd.org" <erate@moisd.org>

Hello Brian,

Can you confirm which FRN you are using for the 2016 funding year? On FRN 1699079036 you have 6 local districts and FRN 1699033494 has 7 local districts. FRN 1699079036 was received after FRN 1699033494. Also for FRNs 1699079047 & 1699033501 where filed for the same service. Please see below.

Jermaine Akins | Government Subsidized Programs CB | 13545 Barrett Parkway Ste 200 | St. Louis, Mo. 63021

EXHIBIT FOUR

Email Communication

Charter

Triple-R Consultants

Lopez-Hoag, Angelica - Charter	Angelica.Lopez-Hoag@charter.com
Missy Studly - Elitefund Consulting	missy@elitefund.com
Gerdine-Hatley, Ebony - Charter	Ebony.Gerdine-Hatley@charter.com
Janelle Morgan - Elitefund Consulting	janelle@elitefund.com
Fred Sharpsteen - MOISD	fsharpsteen@moisa.org
Tamika Williams - Charter	Tamika.Williams@charter.com
Bob Rice - Triple R Consulting	bob@triple-r.us
DL GSP Dept	DLGSPDept@charter.com

Communication with Charter Feb 3, 2018 - March 26, 2018

Saturday, February 03, 2018 12:36 PM

From:
Fred Sharpsteen [mailto:fsharpsteen@moisd.org]

To:
Lopez-Hoag, Angelica

Cc:
missy@elitefund.com

Subject: Erate

Angelica,

We have been asked to provide information to the USAC on a Charter Application. Do you have a department that handles these? From talking with Joe Bouman how has some of the historical information on this request. There was an issue with the Charter contract and that there was two new 471 application put out. It appears that Charter Billed the wrong one starting in July of 2016. Let me know who best we can contact your organization about this request. This is very time sensitive as we only have 15 days to meet their request and this will be done on February 5th. So we will need Charters immediate attention on this.

CC
Missy Erate Consultant

Mon, Feb 5, 2018 at 9:31 AM

From: Angelica.Lopez-Hoag@charter.com

To:

missy@elitefund.com

fsharpsteen@moisd.org

CC:

DL GSP Dept <DLGSPDept@charter.com>,

Tamika.Williams@charter.com

Good morning Tamika

Please see customer request below.

Thank you

Angelica

Saturday, February 03, 2018 12:36 PM

From: fsharpsteen@moisd.org

To: Angelica.Lopez-Hoag@charter.com

Cc: missy@elitefund.com

Subject: Erate

Angelica,

We have been asked to provide information to the USAC on a Charter Application. Do you have a department that handles these? From talking with Joe Bouman how has some of the historical information on this request. There was an issue with the Charter contract and that there was two new 471 application put out. It appears that Charter Billed the wrong one starting in July of 2016. Let me know who best we can contact your organization about this request. This is very time sensitive as we only have 15 days to meet their request and this will be done on February 5th. So we will need Charters immediate attention on this.

Mecosta-Osceola Intermediate School District

Director of Technology

Fred Sharpsteen

15760 S. Bronson

Big Rapids, MI 49307

Ph: (231) 796-3543

MOISD Help desk (231) 592-9601

The Help Desk system link can be found at the MOIS Website under Quick Links.

Mon, Feb 5, 2018 at 9:45 AM
From:
Tamika.Williams@charter.com

To:
Angelica.Lopez-Hoag@charter.com

CC:
Missy@Elitefund.com
fsharpsteen@moisd.org
DLGSPDept@charter.com
Ebony.Gerdine-Hatley@charter.com

Good morning Angelica,

I have attached Ebony to this email as she handles this account for Mecosta-Osceola Intermediate School District and will respond with the requested details as soon as possible.

Thank you,

Mon, Feb 5, 2018 at 11:44 AM

Gerdine-Hatley, Ebony <Ebony.Gerdine-Hatley@charter.com>

Good day Fred,

I see there are some concerns in regard to Funding Year 2016 – the Form 471 and a school that might have been billed or discounted. Can you provide more detail in regard to your concerns, as well as the FRN(s) in question? I can get this issue handled for you.

Thank you and have a good day.

Ebony Gerdine-Hatley | Government Subsidized Program Analyst |
13537 Barrett Parkway | Suite 200 | Ballwin, Mo. 63021 |

Thu, Feb 22, 2018 at 12:30 PM

From: missy@elitefund.com

TO:

Tamika.Williams@charter.com

Angelica.Lopez-Hoag@charter.com

CC:

fsharpsteen@moisd.org

DLGSPDept@charter.com

Ebony.Gerdine-Hatley@charter.com

Hello,

I just got off the phone with the reviewer for this problem. I had opened a customer service case and was trying other ways to solve this problem but they were all a “no.” The reviewer, Dhara, told me that Charter would have to return the funds to USAC once the letter is received (no timeline on when a new letter will be sent). In the meantime, she said you can resubmit the discounted billing for the two correct FRN’s and explain what the problem was and why it is being submitted.

Thank you,

Missy Studley
Elite Fund, Inc
Ph: 800-705-9703
Fax: 815-717-9761
406 N State St
PO Box 125
Stanton, MI 48888

Thu, Feb 22, 2018 at 3:37 PM

From:
missy@elitefund.com

To:
Ebony.Gerdine-Hatley@charter.com
Angelica.Lopez-Hoag@charter.com

CC:
fsharpsteen@moisd.org

Hello,

Charter discounted two FRN's (1699033501, 1699033494) from 2016 in which the application (161018359) had been cancelled. Charter received the funding from USAC for these two FRN's in the amount of \$57,781.20.

The correct FRN's to be discounted should have been 1699079036 and 1699033494 from application 161037183. The COMAD reviewer from USAC told me today that Charter will be receiving a letter requesting that the funds be paid back to USAC. She also stated that Charter could try to discount the correct FRN's. I pointed out that this was from 2016 and that the time to do so has passed. The reviewer said they may make an exception if the details were explained as to why this happened.

The reviewer asked me to pass this on. Her name is Dhara Patel, 973-581-6707.

Thank you!

Missy Studley
Elite Fund, Inc
Ph: 800-705-9703
Fax: 815-717-9761
406 N State St
PO Box 125
Stanton, MI 48888

Thu, Feb 22, 2018 at 4:34 PM

From:
Ebony.Gerdine-Hatley@charter.com
To:
missy@elitefund.com
Angelica.Lopez-Hoag@charter.com

CC:
fsharpsteen@moisd.org

Thank you Missy,
I am currently researching this. I will give you an update tomorrow by end of business.

Thank you and have a good day.

Fri, Feb 23, 2018 at 5:24 PM

From:
Ebony.Gerdine-Hatley@charter.com

To:
missy@elitefund.com
Angelica.Lopez-Hoag@charter.com

CC:
fsharpsteen@moisd.org

Good evening Missy,

I was unable to contact Dhara Patel today. I do have this updated on my calendar for Monday. We're most definitely going to get the issues corrected. I have been in communication with USAC.

Thank you and have a good day.

Tue, Feb 27, 2018 at 10:26 AM

From:

Ebony.Gerdine-Hatley@charter.com

To:

missy@elitefund.com

Angelica.Lopez-Hoag@charter.com

CC:

fsharpsteen@moisd.org

Good morning Missy,

I was able to reach Dhara Patel. I do have a clear understanding of what has happened. No additional information is needed from you at this point. I'm going to start the process of sending the funds back to USAC so that we can apply them to the correct FRN.

I'll keep you updated in the process. If you need anything from me, please do not hesitate to reach out.

Thanks so much for the information you were able to gather thus far.
Thank you and have a good day.

Tue, Feb 27, 2018 at 1:09 PM

From:

missy@elitefund.com

To:

Ebony.Gerdine-Hatley@charter.com

Angelica.Lopez-Hoag@charter.com

CC:

fsharpsteen@moisd.org

Thank you so much Ebony!

Mon, Mar 12, 2018 at 6:31 PM

From:

Ebony.Gerdine-Hatley@charter.com

To:

Missy@elitefund.com

CC

fsharpsteen@moisd.org

Good day Missy,

It was my understanding that we were sending funds back to USAC, based on the information we received from Dhara Patel. I take full responsibility for providing you an updated based on that conversation. In the process, after further review FRN 1699079036 and FRN 1699033494 from application 161037183 cannot be invoiced. Time allotted for invoicing these FRN's has expired. There have been no extensions distributed.

Funds received for FRN 1699033501 and FRN 1699033494 under application 161018359, cannot be returned. Unfortunately, May and June discounts applied will have to be reversed, considering we have not received anything conclusive in writing from USAC. I have submitted cases in regard to the FRN's in question, however I have not been given the details provided from Patel following our verbal discussion. The cases are pending further review.

At this point, because I have not received anything in writing in regard to returning the funds, you'll need to submit a waiver via USAC.

EXHIBIT FIVE

Email Communication

Charter

Triple-R Consultants

Lopez-Hoag, Angelica - Charter	Angelica.Lopez-Hoag@charter.com
Missy Studly - Elitefund Consulting	missy@elitefund.com
Gerdine-Hatley, Ebony - Charter	Ebony.Gerdine-Hatley@charter.com
Janelle Morgan - Elitefund Consulting	janelle@elitefund.com
Fred Sharpsteen - MOISD	fsharpsteen@moisa.org
Tamika Williams - Charter	Tamika.Williams@charter.com
Bob Rice - Triple R Consulting	bob@triple-r.us
DL GSP Dept	DLGSPDept@charter.com

Wed, Mar 21, 2018 at 3:32 PM

From:
missy@elitefund.com

TO:
Ebony.Gerdine-Hatley@charter.com

CC:
fsharpsteen@moisd.org

Ebony,

Can you send me a copy of the SPI election form that was submitted and tell me who sent it in?

Thanks,

Missy Studley
Elite Fund, Inc
Ph: 800-705-9703
Fax: 815-717-9761
406 N State St
PO Box 125
Stanton, MI 48888

Thu, Mar 22, 2018 at 9:57 AM

From:
Ebony.Gerdine-Hatley@charter.com

To:
Missy@elietefunds.com

CC:
fsharpsteen@moisd.org

Good morning Missy,

I am searching through our files for this information. I will send it once I have located it. From my records it seems Mecosta has been a SPI customer likely since 2010. Are you wanting to change the election status? Do you need a new form for funding year 2018?

Ebony Gerdine-Hatley | Government Subsidized Program Analyst |
13537 Barrett Parkway | Suite 200 | Ballwin, Mo. 63021 |

Thu, Mar 22, 2018 at 10:00 AM

From:
missy@elitefund.com

TO:
Ebony.Gerdine-Hatley@charter.com

CC:
fsharpsteen@moisd.org

Hello,

I do not want to change the election status but I wanted to know who filled out the election status for the funding year that was incorrectly paid out on the cancelled application. The funding year was 2016.

Thank you!

Missy Studley
Elite Fund, Inc
Ph: 800-705-9703
Fax: 815-717-9761
406 N State St
PO Box 125
Stanton, MI 48888

Thu, Mar 22, 2018 at 10:34 AM

From:
Ebony.Gerdine-Hatley@charter.com

To:
Missy@elietefunds.com

CC:
fsharpsteen@moisd.org

I will send you the document once I have it.

Thank you and have a good day.

Thu, Mar 22, 2018 at 6:19 PM

From:
Ebony.Gerdine-Hatley@charter.com

To:
Missy@elietefunds.com

CC:
fsharpsteen@moisd.org

Missy,

I've checked our records and we do not have a discount election form on file for the FRN's in question. I have attached the form for funding year 2018.

Thank you and have a good day.

Thu, Mar 22, 2018 at 7:24 PM

From:
missy@elitefund.com

TO:
Ebony.Gerdine-Hatley@charter.com

CC:
fsharpsteen@moisd.org

Hello,

So Charter Spectrum discounted the bill but without an election form? Was an election form received at all?

The ISD is going to have to pay back a very large amount of money and if it isn't their fault this happened, I don't think they should be held accountable.

Thank you for all the extra time this is taking you to do all the research.

Missy Studley
Elite Fund, Inc
Ph: 800-705-9703
Fax: 815-717-9761
406 N State St
PO Box 125
Stanton, MI 48888

Mon, Mar 26, 2018 at 6:08 PM

From:

Ebony.Gerdine-Hatley@charter.com

To:

janelle@elitefund.com

Missy@elietefunds.com

CC:

fsharpsteen@moisd.org

Good evening Janelle,

In my previous correspondence I stated we don't typically push for discount election forms. The form was implemented in recent years. If we do not received a discount election we'll then decide, choosing the preferred SPI method. We have not received anything from the school opposing this method, however we can update this for FY2018 if the school does not wish to receive monthly discounts.

The waiver is to appeal the denial decision made by USAC. I have attached the link for you below.

<https://www.usac.org/about/about/program-integrity/appeals.aspx>

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of August, 2018, a true and authorized copy of this Request for Review was served by electronic mail upon the following:

Kris Monteith, Chief
Wireline Competition Bureau
Federal Communications Commission
445 12th Street, N.W.
Washington, DC 20554
Kris.Monteith@fcc.gov

Letter of Appeal
Schools and Libraries Program –
Correspondence Unit
30 Lanidex Plaza West
P.O. Box 685
Parsippany, NJ 07054-0685
appeals@sl.universalservice.org

Katherine Dumouchel, Acting Division Chief
Telecommunications Access Policy Division
Wireline Competition Bureau
Federal Communications Commission
445 12th Street, N.W.
Washington, DC 20554
Katherine.Dumouchel@fcc.gov

Charter Communications
Charter Fiberlink CC VIII, Inc.
12405 Powerscourt Drive
St. Louis, MO 63131
ATTN: Marcia A. Evans
Marcia.Evans@Chartercom.com

By: 

Lee G. Petro
**PILLSBURY WINTHROP
SHAW PITTMAN LLC**
1200 Seventeenth Street NW
Washington, DC 20005-1209
(202) 663-8113
Lee.Petro@PillsburyLaw.com